

Application No. 10/784,751
Attorney Docket No. 13DV-14085 (07783-0113-01)

D) AMENDMENTS TO THE DRAWINGS

None.

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E) REMARKS

This Response is filed in response to the Office Action dated September 29, 2005.

Upon entry of this Amendment, claims 1-27 will be pending in the Application.

In the outstanding Office Action, the Examiner subjected claims 1-27 to a restriction requirement under 35 U.S.C. § 121.

Restriction/Election under 35 U.S.C. 121

The Office Action of September 29, 2005 subjects claims 1-27 of the present Application to a restriction requirement. The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-20, 27 drawn to a ceramic matrix composite, classified in class 442, subclass 178; and
- II. Claims 21-26 drawn to a method of making a ceramic matrix, classified in class 264, various subclasses.

In accordance with the requirements of 37 C.F.R. § 1.143, Applicant provisionally elects the invention of Group I without prejudice.

Applicant respectfully traverses the requirements for restriction and requests reconsideration of the restriction requirement between Groups I and II. Applicant submits that the restriction requirement should be withdrawn, because the Examiner has not shown that any combination of Groups I and II are not both independent and distinct, as the claims must be shown to be "independent and distinct" to maintain the restriction, 35 U.S.C. § 121, 37 C.F.R. § 1.141, MPEP 802. Additionally, it would not be an undue burden on the Examiner to search and examine the inventions, as even multiple art classes/subclasses are routinely searched when applications are examined (see MPEP 803). For example, any search of a ceramic matrix composite could be reasonably extended to include methods of producing the ceramic matrix. A thorough search of the art would therefore include such art.

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CONCLUSION

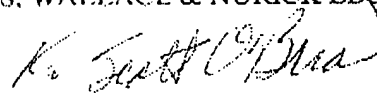
In summary, it is respectfully submitted that for the reasons given above the restriction requirement between the inventions as set forth in claims 1-27 (Groups I and II) should be examined and the restriction requirement reconsidered and withdrawn by the Examiner. Further, it is respectfully submitted that claims 1-27 are novel defining patentable subject matter and should be allowed. A favorable action is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,

MCNEES, WALLACE & NURICK LLC

By


K. Scott O'Brian
Reg. No. 42,946
100 Pine Street, P.O. Box 1166
Harrisburg, PA 17108-1166
Tel: (717) 237-5492
Fax: (717) 237-5300

Dated: October 4, 2005

PTO/SR/97 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Response Under 37 C.F.R. 1.111 (6 pages)

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Attorney Docket No.: 13DV-14085 (07783-0113-01)

Application No.: 10/784,751

Filed: February 23, 2004

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